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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/699,451      | 10/31/2000  | Kersti Strandqvist   | P15484US00          | 8608             |

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YOUNG & THOMPSON  
745 SOUTH 23RD STREET 2ND FLOOR  
ARLINGTON, VA 22202

[REDACTED] EXAMINER

WEBB, JAMISUE A

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3761

DATE MAILED: 02/28/2003

✓

[REDACTED]

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                     |
|------------------------------|-----------------|---------------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)        |
|                              | 09/699,451      | STRANDQVIST, KERSTI |
|                              | Examiner        | Art Unit            |
|                              | Jamisue A. Webb | 3761                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_\_.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 31 October 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on 4/28/98. It is noted, however, that applicant has not filed a certified copy of the Swedish application as required by 35 U.S.C. 119(b).

### ***Specification***

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claims 1 and 12, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

6. Regarding claims 1 and 12, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

7. Claim 6 recites the limitation "the cationic crosslinking agent" in line 3. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 7 recites the limitation "the metal ion" in line 3. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 8 recites the limitation "the crosslinking agent" in line 3. There is insufficient antecedent basis for this limitation in the claim.

10. Claims 9 and 19 recites the limitation "the ionic crosslinking agent". There is insufficient antecedent basis for this limitation in the claims.

11. With respect to Claim 12: the phrase "the absorbent structure is of the kind stated in claim 1" is indefinite. It is unclear to the examiner if the claims is positively claiming the absorbent structure of Claim 12, is the absorbent structure of Claim 1.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-5, and 9-12 rejected under 35 U.S.C. 102(b) as being anticipated by Richards et al. (5,607,414).

14. With respect to Claims 1, 3-5, 11 and 12: Richards discloses the use of an absorbent article (10) with a topsheet (12), backsheet (18) and absorbent structure (16) located there between. Richards discloses the absorbent structure to comprise a fluid storage layer that is a

composite of cellulose fibers, and superabsorbent discrete particles (column 14, lines 20-51).

The examiner considers discrete particles to mean powder, or grain form. Richards discloses the superabsorbent to be from 30-100% superabsorbent material (column 14, lines 52-55). Richards also disclosed that the superabsorbent is made from polyacrylates or polyacrylate grafted starch that is crosslinked with anionic groups (forming an ionic bond) such as polycarboxylic acid (column 15, lines 5-45). It is inherent that if the cross linking agent is anionic that is going to form an ionic bond with the cationic group of the polymer. Richards also discloses that the crosslinking agent can be partially neutralized with a salt forming cation (column 15, lines 53-60).

15. With respect to Claim 2: As mentioned above polyacrylate is the polymer that is crosslinked. Polyacrylate is crosslinked using covalent bonds. And therefore is covalently crosslinked.

16. With respect to Claim 10: Richards discloses the superabsorbent materials are formed into an aggregate macrostructure, and then treated with a crosslinking agent to form a coherent mass, the examiner considers this to be homogeneously crosslinked, since the structure as on is treated (column 16, lines 1-5).

#### ***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards et al. (5,607,414) in view of Johnson et al. (5,684,106).

19. With respect to Claim 9: Richards as disclosed above, teaches the use of a crosslinking agent, but fails to disclose the superabsorbent particles being surface crosslinked. Johnson discloses superabsorbent polymers being surface crosslinked (column 2, lines 20-32). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the superabsorbent particles of Richard be crosslinked according to Johnson, in order to obtain improved absorption under load characteristics while maintaining conventional commercial centrifuge retention capacities.

20. With respect to Claims 6-8: Johnson discloses the surface cross-linking agent can be an aluminate and other polyvalent metal compounds (column 4, lines 60-63).

### *Conclusion*

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Cattenden discloses superabsorbent polymers being present in an absorbent structure 50-70%, Hollenberg (5,126,382), Farrar et al. (5,384,343), Brander (6,376,034) and Hahnle et al. (6,455,600) discloses the of superabsorbent particles being crosslinked by metal ions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703)308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

jaw *AW*  
February 24, 2003

*Weilun*  
WEILUN LO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700